

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

C CHANGE SURGICAL LLC,

Plaintiff,

v.

Civil Action No. 1:06CV785-UA-RAE

MEDICAL SOLUTIONS, INC.,

Defendant.

**CONSENT MOTION TO SET TIME TO FILE
AN ANSWER AND OTHER RESPONSIVE PLEADINGS**

On December 1, 2006, the above-captioned action ("Action") was stayed pending resolution of litigation between the parties then-pending in Washington, D.C. (Dkt. No. 8.) The U.S. District Court for the District of Columbia dismissed that case for lack of personal jurisdiction, and the decision was affirmed by the Federal Circuit on September 9, 2008. A subsequent petition for rehearing was denied, and the mandate of the Federal Circuit was issued on October 14, 2008. *See generally* Pl.'s Status Report, filed on Oct. 9, 2008 (Dkt. No. 10). This Action is now ripe to move forward.

Accordingly, Defendant Medical Solutions, Inc. ("MSI"), by undersigned counsel, hereby moves for an order that the time to file its Answer, Counterclaims, and other responsive pleading to the Complaint filed in this Action be set for December 1, 2008. MSI also moves that the time for Plaintiff C Change Surgical, LLC to ("C Change") to respond to MSI's Answer, Counterclaim, and other responsive pleading be set for January 5, 2009. Counsel for Plaintiff C Change Surgical LLC has agreed to this Motion.

A proposed ORDER is submitted herewith.

Respectfully submitted this 4th day of November, 2008.

/s/William K. Davis

William K. Davis, Bar No. 1117

Alan M. Ruley, Bar No. 16407

BELL DAVIS & PITT, P.A.

100 N. Cherry Street, Suite 600

Post Office Box 21029

Winston-Salem, NC 27101

Telephone: (336) 722-3700

Facsimile: (336) 722-8153

Email: wdavis@belldavisplatt.com

aruley@belldavisplatt.com

**ATTORNEYS FOR DEFENDANT
MEDICAL SOLUTIONS, INC.**

Of counsel:

James H. Laughlin, Jr. (*Pro Hac Vice Application to be Filed*)

John P. Moran (*Pro Hac Vice Application to be Filed*)

HOLLAND & KNIGHT, LLP

2099 Pennsylvania Ave., N.W., Suite 100

Washington, D.C. 20006

Telephone: (202) 955-3000

Facsimile: (202) 955-5564

Email: jim.laughlin@hklaw.com

Email: john.moran@hklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of November, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to: Tonya R. Deem, TDeem@KilpatrickStockton.com, *Counsel for Plaintiff C Change Surgical LLC.*

/s/William K. Davis _____

William K. Davis
N.C. State Bar No. 1117